

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KENNETH SALAMONE and
RUFSTR RACING, LLC

Case No. 1:19-cv-1213
(MAD) (DJS)

Plaintiffs

v.

DOUGLAS MARINE CORPORATION,

Defendant.

**NOTICE OF PLAINTIFFS' MOTION TO ALTER OR
AMEND JUDGMENT PURSUANT TO FED. R. CIV. P. 59(e)**

PLEASE TAKE NOTICE, that Plaintiffs, Kenneth Salamone and RUFSTR Racing, LLC, by and through their counsel, Lippes Mathias Wexler Freidman, LLP, hereby moves the Court, under Fed. Rule Civ. P. 59(e), before the Honorable Mae D'Agostino, at the United States District Court for the Northern District of New York, at the James T. Foley Courthouse, 445 Broadway, Albany, New York 12207, on July 6, 2021 at 10:00 a.m., or as soon thereafter as counsel may be heard, for an Order: (1) altering or amending the April 22, 2021 Judgment in favor of Plaintiffs (the "Judgment") under Fed. R. Civ. P. 59(e) to rectify a clear and fundamental error of law and increasing the damage award from \$131,171 to \$451,500 as Plaintiffs are entitled to recover under the Michigan Uniform Commercial Code, MCL § 440.2711(1); (2) altering or amending the Judgment under Fed. R. Civ. P. 59(e) to include pre-judgment interest and post-judgment interest that Plaintiffs are entitled to as a matter of law; and (3) for any such other and further relief that the Court deems just and proper.

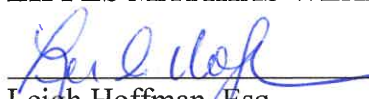
PLEASE TAKE FURTHER NOTICE, that pursuant to Local Rule 7.1 opposition papers, if any, must be filed with the Court and served not less than twenty-one (21) days prior to the return date of this motion.

PLEASE TAKE FURTHER NOTICE, that in support hereof, Plaintiffs shall rely on the accompanying Memorandum of Law in Support of Motion to Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) dated May 18, 2021; the Declaration of Leigh A. Hoffman, Esq. in Support of Motion to Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) dated May 18, 2021 and exhibits thereto; and all the prior pleadings and proceedings had in this action.

Dated: May 19, 2021
Albany, New York

LIPPES MATHIAS WEXLER FRIEDMAN, LLP

By:



Leigh Hoffman, Esq.

Attorneys for Plaintiffs

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